OPINION 1663

Fryeria Gray, 1853 and *F. rueppelii* Bergh, 1869 (Mollusca, Gastropoda): conserved

Ruling

(1) Under the plenary powers:

(a) the specific name *pustulosa* Gray, 1853, as published in the binomen *Fryeria pustulosa*, is hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy;

(b) all fixations of type species for the nominal genus *Fryeria* Gray, 1853 are hereby set aside and *Fryeria rueppelii* Bergh, 1869 is designated as the type species.

(2) The name *Fryeria* Gray, 1853 (gender: feminine), type species by designation in (1)(b) above *Fryeria rueppelii* Bergh, 1869, is hereby placed on the Official List of Generic Names in Zoology.

(3) The name *rueppelii* Bergh, 1869, as published in the binomen *Fryeria rüppelii* (specific name of the type species of *Fryeria* Gray, 1853), is hereby placed on the Official List of Specific Names in Zoology.

(4) The name *Reyfria* Yonow, 1986 is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology (a junior objective synonym of *Fryeria* Gray, 1853).

(5) The following names are hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology:

(a) *pustulosa* Gray, 1853, as published in the binomen *Fryeria pustulosa* and as suppressed in (1)(a) above;

(b) *rüppelii* Bergh, 1869, as published in the binomen *Fryeria rüppelii* (an incorrect original spelling of *rueppelii* Bergh, 1869).

History of Case 2682

An application for the conservation of *Fryeria* Gray, 1853 and *F. rueppelii* Bergh, 1869 was received from Drs D.J. Brunckhorst (*University of Queensland, St. Lucia, Queensland, Australia*), W.B. Rudman (*The Australian Museum, Sydney South, New South Wales, Australia*) and R.C. Willan (*University of Queensland, St. Lucia, Queensland, Australia*) on 28 September 1988. After correspondence the case was published in BZN **46**: 161–164 (September 1989). Notice of the case was sent to appropriate journals.

Comments from Prof L.B. Holthuis (*Nationaal Natuurhistorisch Museum, Leiden, The Netherlands*) and from Mr Robert Burn (*Geelong, Victoria, Australia*), together with a reply by the authors of the application, were published in BZN **47**: 288–290 (December 1990). Mr Burn considered that use of the name *pustulosa* Gray, 1853 for the type species of *Fryeria* would not cause confusion, so he opposed proposal (1)(a) on BZN **46**: 163. Prof Holthuis suggested that this proposal was unnecessary because, in his view, *pustulosa* Gray was not available under Article 11i of the Code. The authors did not accept this and maintained their proposal that the name of the nominal type species of *Fryeria* should be ruled to be *Fryeria rueppelii* Bergh, 1869.

Decision of the Commission

On 1 September 1991 the members of the Commission were invited to vote on the proposals published in BZN **46**: 163. At the close of the voting period on 1 December 1991 the votes were as follows:

Affirmative votes — 18: Bock, Cocks, Corliss, Hahn, Halvorsen, Heppell, Holthuis (in part), Kraus, Mahnert, Martins de Souza, Nielsen, Nye, Ride, Starobogatov, Thompson (in part), Trjapitzin, Uéno, Willink

Negative votes — 8: Bayer, Dupuis, Kabata, Lehtinen, Macpherson, Minelli, Savage and Schuster.

No vote was received from Cogger.

Holthuis and Thompson did not vote for proposals 1(a) and 5(a).

Original references

The following are the original references to the names placed on Official Lists and Official Indexes by the ruling given in the present Opinion:

Fryeria Gray, 1853, *Annals and Magazine of Natural History*, (2)**11**: 221.
pustulosa, *Fryeria*, Gray, 1853, *Annals and Magazine of Natural History*, (2)**11**: 221.
Reyfria Yonow, 1986, *Journal of Natural History*, **20**: 1418.
rueppelii, *Fryeria*, Bergh, 1869, *Naturhistorisk Tidsskrift, Kjobenhavn*, (3)**5**: 514.
rüppelii, *Fryeria*, Bergh, 1869, *Naturhistorisk Tidsskrift, Kjobenhavn*, 3(**5**): 514.